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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **COUNTY OF RIVERSIDE**

14 **KELLY FORWARD** and **TAMMY**  
15 **SEARLE**, on behalf of themselves and all  
16 others similarly situated,

17 Plaintiffs,

18 v.

19 **PACIFIC RETAIL CAPITAL**  
20 **PARTNERS, LLC,**

21 Defendant.

Case No.

**CLASS ACTION COMPLAINT FOR  
DAMAGES, INJUNCTIVE, AND  
EQUITABLE RELIEF FOR:**

- 22 **1. VIOLATIONS OF CAL.  
CIV. CODE 1798.90.5**
- 23 **2. INVASION OF PRIVACY  
UNDER CAL. CONST. ART.  
1, 1**
- 24 **3. INVASION OF PRIVACY**
- 25 **4. UNJUST ENRICHMENT**

**JURY TRIAL DEMANDED**

26 Plaintiffs Kelly Forward and Tammy Searle (hereinafter, "Plaintiffs"), individually and on behalf  
27 of all similarly situated persons, allege the following against Defendant Pacific Retail Capital Partners,  
28 LLC (hereinafter, "Defendant"), based upon personal knowledge with respect to themselves and on  
information and belief derived from, among other things, investigation by their counsel and review of

1 public documents as to all other matters:

2 **INTRODUCTION**

3 1. In 1887, the Northern District of California recognized that:

4 Of all the rights of the citizen, few are of greater importance or more essential to his peace  
5 and happiness than the right of personal security, and that involves, not merely protection  
6 of his person from assault, but exemption of his private affairs, books, and papers, from  
7 the inspection and scrutiny of others. Without the enjoyment of this right, all others would  
8 lose half their value.<sup>1</sup>

9 2. Nearly 150 years later, Americans still agree,<sup>2</sup> placing great value on their right to  
10 privacy, including their right to travel and associate with others without being surveilled. Unfortunately,  
11 in the modern era, this right is increasingly threatened by the irresponsible deployment of new  
12 technologies.

13 3. Flock Group, Inc. (“Flock”) is a technology company that specializes in automatic license  
14 plate recognition systems, commonly referred to as Automatic License Plate Readers (“ALPRs”).  
15 ALPRs are advanced camera systems that can automatically detect and record an individual’s “Vehicle  
16 Tracking Data,” and then aggregate and use that information to track an individual’s movements. The  
17 term “Vehicle Tracking Data” as used herein means license plate numbers, vehicle characteristics  
18 (including any and all data used by Defendant and/or Flock to identify a given vehicle), time-stamped  
19 records, and geographic location data reflecting a vehicle’s location and movements through areas, along  
20 with any other information monitored, captured, collected, and/or aggregated by Flock’s ALPRs and  
21

22  
23  
24 <sup>1</sup> *In re Pacific Ry. Commission*, 32 F. 241, 250 (N.D. Cal. 1887).

25 <sup>2</sup> *See, e.g., YouGov Mass Surveillance Polling*, DPEF (Dec. 14, 2023),  
26 demandprogresseducationfund.org/new-polling-as-mass-surveillance-debate-reaches-final-stages-in-  
27 congress-americans-demonstrate-overwhelming-support-for-increased-privacy-protections (last  
28 accessed Aug. 20, 2025) (78% of Americans think Congress should strengthen geolocation privacy  
protections); Mary Madden and Lee Rainie, *Americans’ Attitudes About Privacy, Security and  
Surveillance*, PEW (May 20, 2015), [https://www.pewresearch.org/internet/2015/05/20/americans-  
attitudes-about-privacy-security-and-surveillance/](https://www.pewresearch.org/internet/2015/05/20/americans-attitudes-about-privacy-security-and-surveillance/) (last accessed Aug. 20, 2025) (88% of Americans  
state not being watched without permission “important”).

1 ALPR systems.

2 4. Flock’s customers—including homeowners’ associations, businesses, schools, law  
3 enforcement organizations, and anyone else willing to pay the approximately \$2,500 annual fee for  
4 access to its enormous database of personal information—can install Flock’s ALPRs on their property  
5 or around their community. Once installed, the ALPRs identify and create a detailed record of every  
6 vehicle that enters its view. Unlike a person at an intersection, these cameras never blink, they never  
7 sleep, and they see and remember everything. Every passing car is captured, and its license plate and  
8 other features are analyzed using proprietary machine learning programs.

9  
10 5. More troubling is the fact that Flock’s customers, like Defendant, who install the cameras  
11 on their properties are not the only ones that have access to the data collected by the ALPRs: When  
12 Flock’s customers provide Flock with access to the recordings created by the customer’s ALPRs, Flock  
13 then aggregates this data with information collected from thousands of other Flock ALPRs to create a  
14 centralized, highly detailed, searchable record of each driver’s movements. Flock then grants its  
15 customers access to this vast surveillance database (referred to herein as the “Flock Safety Network” or  
16 “Flock Safety”).<sup>3</sup> As a result, anyone with access to the Flock Safety Network can track the movements  
17 of anyone traveling within the reach of Flock’s national camera network.

18  
19 6. The scope of this mass surveillance is truly terrifying. Currently, there are *at least 80,000*  
20 Flock ALPRs operating in 49 states.<sup>4</sup> Through those ALPRs, Flock captures individuals’ Vehicle  
21

22  
23  
24 <sup>3</sup> *National LPR Network*, FLOCK SAFETY, <https://www.flocksafety.com/products/national-lpr-network>  
(last accessed March 6, 2026) (detailed Flock’s nationwide shared data network);  
25 *Police cameras track billions of license plates per month*, NBC NEWS,  
26 [https://www.nbcnews.com/tech/tech-news/flock-police-cameras-scan-billions-month-sparking-  
protests-rcna230037](https://www.nbcnews.com/tech/tech-news/flock-police-cameras-scan-billions-month-sparking-protests-rcna230037) (last accessed March 6, 2026) (highlighting Flock’s “live national database.”).

27 <sup>4</sup> *Flock Gives Law Enforcement All Over The Country Access to Your Location*, ACLU MASSACHUSETTS,  
28 [https://data.aclum.org/2025/10/07/flock-gives-law-enforcement-all-over-the-country-access-to-your-  
location/](https://data.aclum.org/2025/10/07/flock-gives-law-enforcement-all-over-the-country-access-to-your-location/) (last accessed March 10, 2026) (detailed Flock’s ALPR surveillance network); *National LPR  
Network*, FLOCK SAFETY, <https://www.flocksafety.com/products/national-lpr-network> (last accessed

1 Tracking Data through a staggering *20-billion* vehicle scans every single month,<sup>5</sup> generating an immense  
2 database of individuals’ movements. All of this is only possible through Flock customers’ installation  
3 of its surveillance cameras on their properties.

4 7. The California Legislature was moved by the prevalence and scope of this violation of  
5 privacy and passed the California ALPR Law, Cal. Civ. Code § 1798.90.5, *et seq.* (the “ALPR Law”),  
6 which regulates the use of ALPRs by public and private entities. Among other things, the California  
7 Legislature recognized that, at a minimum, the public has a right to know that their Vehicle Tracking  
8 Data is being recorded and aggregated, and how that data will be used. Therefore, the ALPR Law  
9 requires that every “end-user” of an ALPR (i.e., a person who uses or access an ALPR system, such as  
10 Flock customers, like Defendant) make publicly available, and post conspicuously on its website, very  
11 specific ALPR policy and usage information that meets the minimum requirements of the law.  
12

13  
14 8. Upon information and belief, Defendant is a retail operating group that owns, operates,  
15 and manages The Shops at Palm Desert retail shopping center in Palm Desert, California.<sup>6</sup>  
16

17 9. Defendant installed Flock’s ALPRs on its property in California, resulting in Plaintiffs  
18 and Class Members being tracked by Flock’s mass surveillance network. However, Defendant *never*  
19 properly informed Plaintiffs or Class Members that their Vehicle Tracking Data was being captured,  
20 time-stamped, and recorded, nor that the resulting data being aggregated enabled the long-term tracking  
21 of Plaintiffs and Class Members’ individual movements.  
22

23 10. Defendant’s use of the Flock ALPRs is not just an invasion of privacy, but also a violation  
24

25 \_\_\_\_\_  
26 March 6, 2026) (noting Flock’s network operates across 49 states).

27 <sup>5</sup> *Police cameras track billions of license plates per month*, NBC NEWS,  
28 <https://www.nbcnews.com/tech/tech-news/flock-police-cameras-scan-billions-month-sparking-protests-rcna230037> (last accessed March 6, 2026).

<sup>6</sup> *Business*, THE SHOPS AT PALM DESERT, <https://shopsatpalmdesert.com/business/> (last accessed Mar. 17, 2026).

1 of the ALPR Law, in that Defendant failed to publicly post the required policy and usage information as  
2 required by the statute.

3 11. As a result of Defendant’s misconduct, Plaintiffs and Class Members have suffered  
4 numerous injuries, including: (i) invasion of privacy; (ii) emotional distress and heightened concerns  
5 related to the surreptitious surveillance of their movements by unknown third parties; and (iii) statutory  
6 damages.  
7

8 12. Therefore, Plaintiffs seek, on behalf of themselves and a Class of similarly situated  
9 persons, to remedy these harms and assert the following statutory and common law claims against  
10 Defendant: violations of the California ALPR Law, Cal. Civ. Code § 1798.90.5, *et seq.*; Invasion of  
11 Privacy under California’s Constitution, Cal. Const. Art. 1, § 1; Common Law Invasion of Privacy; and  
12 Common Law Unjust Enrichment.  
13

14 **PARTIES**

15 **A. PLAINTIFFS**

16 ***Plaintiff Kelly Forward***

17 13. Plaintiff Kelly Forward (hereinafter, “Plaintiff Forward”) is a citizen of the State of  
18 California residing in Riverside County and brings this action both in an individual capacity, and on  
19 behalf of all others similarly situated.  
20

21 14. Plaintiff Forward has visited Defendant’s The Shops at Palm Desert retail shopping  
22 center located at 72840 CA-111, Palm Desert, CA 92260 on several occasions to do personal shopping.  
23 For example, on December 20, 2025 and December 22, 2025, Plaintiff Forward drove her personal  
24 vehicle to Defendant’s The Shops at Palm Desert retail shopping center, parked her car in Defendant’s  
25 parking lot, and entered retail businesses at The Shops at Palm Desert retail shopping center to complete  
26 her personal shopping.  
27  
28

1           15.     Unbeknownst to Plaintiff Forward, Defendant had installed Flock ALPRs on its premises  
2 which recorded Plaintiff Forward and her Vehicle Tracking Data, and transmitted that data, including  
3 pictures of her vehicle, other automatically-generated information relating to her vehicle, the identities  
4 of her associates, and her time-stamped location, to Flock, where it was then aggregated and catalogued  
5 in Flock’s voluminous vehicle tracking records.  
6

7           16.     Defendant failed to inform Plaintiff Forward, through the public posting on its website of  
8 a usage and privacy policy as required under California’s ALPR Law, that when she visited Defendant’s  
9 shopping center, Defendant would record and track Plaintiff Forward’s location, movements, and  
10 Vehicle Tracking Data and transmit that information to Flock for the unauthorized and illegal purposes  
11 set forth herein.  
12

13           17.     Plaintiff Forward was not aware that she was being tracked, and never authorized  
14 Defendant to disclose any information pertaining to her person, including ALPR-collected information  
15 subject to the California ALPR Law, to Flock or any other unauthorized third-party.  
16

17           18.     Plaintiff Forward worries about the proliferation of Flock ALPRs in California. The  
18 installation and operation of the Flock ALPRs in California, all connected to Flock’s nationwide  
19 database, have given her a great deal of anxiety. Plaintiff Forward worries about her privacy and personal  
20 security, and she worries about how governmental and private individuals with access to the Flock Safety  
21 Network might use or misuse the records of her movements. Further, Plaintiff Forward worries that  
22 malicious third-party hackers might one day gain access to the Flock Safety Network and misuse such  
23 data.  
24

25           19.     Plaintiff Forward, like most people, tries to maintain a degree of privacy in her life. But  
26 Defendant’s installation and operation of the Flock ALPRs have invaded her privacy by exposing a  
27 record of her movements throughout Riverside County to every Flock ALPR end-user and the persons  
28

1 to whom they have granted access to the information captured and processed by Flock. And worse,  
2 Defendant has engaged in such violations without publicly notifying Plaintiff and Class Members of the  
3 same.

4 20. Plaintiff Forward has no control over how Flock, or anyone else who has authorized or  
5 unauthorized access to the Flock Safety Network, uses the record of her movements and/or her Vehicle  
6 Tracking Data. Plaintiff Forward has no say in when, or even if, Flock's records of Plaintiff Forward's  
7 personal information and movements will be deleted. Additionally, if someone misuses Plaintiff  
8 Forward's information, or if Flock experiences a data breach exposing Plaintiff Forward's information,  
9 Plaintiff Forward may never know unless the affected user or Flock decides to tell her.  
10

11 21. On information and belief, Defendant has used the Flock ALPRs to capture the whole of  
12 Plaintiff Forward's movements at, in, and around Defendant's The Shops at Palm Desert retail shopping  
13 center, and will continue to do so until the expiration or termination of each Flock Safety user's access  
14 to this information. Further, on information and belief, Defendant has used the Flock ALPRs to record,  
15 transmit, and share Plaintiff Forward's personal movement and Vehicle Tracking Data with any  
16 individual or entity who has access to the Flock Safety Network.  
17  
18

19 ***Plaintiff Tammy Searle***

20 22. Plaintiff Tammy Searle (hereinafter, "Plaintiff Searle") is a citizen of the State of  
21 California residing in Riverside County and brings this action both in an individual capacity, and on  
22 behalf of all others similarly situated.

23 23. Plaintiff Searle has visited Defendant's The Shops at Palm Desert retail shopping center  
24 located at 72840 CA-111, Palm Desert, CA 92260 on several occasions to do personal shopping. For  
25 example, on January 21, 2026, Plaintiff Searle drove her personal vehicle to Defendant's The Shops at  
26 Palm Desert retail shopping center, parked her car in Defendant's parking lot, and entered retail  
27 businesses at The Shops at Palm Desert retail shopping center to complete her personal shopping.  
28

1           24.     Unbeknownst to Plaintiff Searle, Defendant had installed Flock ALPRs on its premises  
2 which recorded Plaintiff Searle and her Vehicle Tracking Data, and transmitted that data, including  
3 pictures of her vehicle, other automatically-generated information relating to her vehicle, the identities  
4 of her associates, and her time-stamped location, to Flock, where it was then aggregated and catalogued  
5 in Flock’s voluminous vehicle tracking records.  
6

7           25.     Defendant failed to inform Plaintiff Searle, through the public posting on its website of a  
8 usage and privacy policy as required under California’s ALPR Law, that when she visited Defendant’s  
9 shopping center, Defendant would record and track Plaintiff Searle’s location, movements, and Vehicle  
10 Tracking Data and transmit that information to Flock for the unauthorized and illegal purposes set forth  
11 herein.  
12

13           26.     Plaintiff Searle was not aware that she was being tracked, and never authorized Defendant  
14 to disclose any information pertaining to her person, including ALPR-collected information subject to  
15 the California ALPR Law, to Flock or any other unauthorized third-party.  
16

17           27.     Plaintiff Searle worries about the proliferation of Flock ALPRs in California. The  
18 installation and operation of the Flock ALPRs in California, all connected to Flock’s nationwide  
19 database, have given her a great deal of anxiety. Plaintiff Searle worries about her privacy and personal  
20 security, and she worries about how governmental and private individuals with access to the Flock Safety  
21 Network might use or misuse the records of her movements. Further, Plaintiff Searle worries that  
22 malicious third-party hackers might one day gain access to the Flock Safety Network and misuse such  
23 data.  
24

25           28.     Plaintiff Searle, like most people, tries to maintain a degree of privacy in her life. But  
26 Defendant’s installation and operation of the Flock ALPRs have invaded her privacy by exposing a  
27 record of her movements throughout Riverside County to every Flock ALPR end-user and the persons  
28

1 to whom they have granted access to the information captured and processed by Flock. And worse,  
2 Defendant has engaged in such violations without publicly notifying Plaintiff and Class Members of the  
3 same.

4 29. Plaintiff Searle has no control over how Flock, or anyone else who has authorized or  
5 unauthorized access to the Flock Safety Network, uses the record of her movements and/or her Vehicle  
6 Tracking Data. Plaintiff Searle has no say in when, or even if, Flock's records of Plaintiff Searle's  
7 personal information and movements will be deleted. Additionally, if someone misuses Plaintiff Searle's  
8 information, or if Flock experiences a data breach exposing Plaintiff Searle's information, Plaintiff  
9 Searle may never know unless the affected user or Flock decides to tell her.  
10

11 30. On information and belief, Defendant has used the Flock ALPRs to capture the whole of  
12 Plaintiff Searle's movements at, in, and around Defendant's The Shops at Palm Desert retail shopping  
13 center, and will continue to do so until the expiration or termination of each Flock Safety user's access  
14 to this information. Further, on information and belief, Defendant has used the Flock ALPRs to record,  
15 transmit, and share Plaintiff Searle's personal movement and Vehicle Tracking Data with any individual  
16 or entity who has access to the Flock Safety Network.  
17  
18

## 19 **B. DEFENDANT**

### 20 ***Defendant Pacific Retail Capital Partners, LLC***

21 31. Defendant Pacific Retail Capital Partners, LLC is a Delaware LLC with a principal place  
22 of business listed as 2029 Century Park E., Suite 1550, Los Angeles, CA 90067.  
23

24 32. Upon information and belief, Defendant owns, operates, and manages The Shops at Palm  
25 Desert retail shopping center in Palm Desert, California.

## 26 **JURISDICTION AND VENUE**

27 33. The Court has jurisdiction over this action under section 410.10 of the California Code  
28

1 of Civil Procedure and Article VI, section 10 of the California Constitution.

2 34. This Court has personal jurisdiction over Defendant because it maintains its principal  
3 place of business in the State of California, conducts business in the State of California, including  
4 managing and operating The Shops at Palm Desert shopping center in this state, and is registered to do  
5 business in California. Additionally, Plaintiffs' and Class Members' claims arise from Defendant's  
6 business activities in the State of California.  
7

8 35. Venue is proper in this Court under California Code of Civil Procedure Section 395.5  
9 because Defendant's liability arose in this County, where the acts and omissions giving rise to Plaintiffs'  
10 claims occurred.  
11

## 12 **STATEMENT OF FACTS**

### 13 **A. LEGISLATIVE HISTORY OF THE ALPR LAW**

14 36. In 2015, California enacted the ALPR Law, Cal. Civ. Code §§ 1798.90.5 *et seq.*, to  
15 address the increasing use of ALPR systems and the privacy risks associated with the aggregation and  
16 storage of Vehicle Tracking Data. The Legislature enacted the statute against the backdrop of rapidly  
17 expanding surveillance technology capable of collecting and aggregating large volumes of location-  
18 based information about individuals.  
19

20 37. The legislative history of the ALPR Law reflects a particular concern with the ability of  
21 ALPR technology to compile historical Vehicle Tracking Data, aggregate that information, and to do so  
22 without public notice or consent.  
23

24 38. The Senate Committee on Transportation and Housing, when reviewing the ALPR Law  
25 proposal, explained that while license plates themselves are publicly visible, ALPR technology enables  
26 far more extensive monitoring because of its ability to systematically collect and aggregate Vehicle  
27 Tracking Data. The Committee noted that ALPR systems can capture thousands of license plates per  
28

1 minute and compare those plates against databases of vehicles associated with crimes or other alerts.<sup>7</sup>

2 39. The California Assembly Committee on Privacy and Consumer Protection explained that  
3 ALPR systems “have the ability to record vehicles’ attendance at locations or events that, although  
4 lawful and public, may be considered private.”<sup>8</sup> The Committee further noted the potential sensitivity of  
5 such information, observing that “mobile LPR units could read and collect the license plate numbers of  
6 vehicles parked at addiction counseling meetings, doctors’ offices, health clinics, or even staging areas  
7 for political protests.”<sup>9</sup>

8 40. Against this backdrop, the Senate Committee on Transportation and Housing emphasized  
9 the risks created when ALPR systems compile and store location data over time. The Legislature  
10 expressed concern that ALPR technology allows the creation of large databases of Vehicle Tracking  
11 Data, enabling the reconstruction of an individual’s movements and activities through the aggregation  
12 of time-stamped location records. As the Committee explained:  
13  
14

15 “Unlike other types of personal information that are covered by existing law, civilians are  
16 not always aware when their ALPR data is being collected. One does not even need to be  
17 driving to be subject to ALPR technology: A car parked on the side of the road can be  
18 scanned by an ALPR system.”<sup>10</sup>

19 41. Given the immense risk of abuse at the expense of individuals’ rights to privacy, the  
20 Senate committee noted the privacy concerns associated with ALPR technology, explaining:

21 “The collection of a license plate number, location, and time stamp over multiple time  
22 points can identify not only a person’s exact whereabouts but also their pattern of

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23 <sup>7</sup> Senate Committee on Transportation and Housing (April 7, 2015)

24 [https://www.leginfo.ca.gov/pub/15-16/bill/sen/sb\\_0001-0050/sb\\_34\\_cfa\\_20150402\\_153639\\_sen\\_comm.html](https://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0001-0050/sb_34_cfa_20150402_153639_sen_comm.html) (last accessed March 5, 2026).

25 <sup>8</sup> Assembly Committee on Privacy and Consumer Protection – Bill Analysis for SB 34 (July 7, 2015)

26 [https://www.leginfo.ca.gov/pub/15-16/bill/sen/sb\\_0001-0050/sb\\_34\\_cfa\\_20150706\\_104259\\_asm\\_comm.html](https://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0001-0050/sb_34_cfa_20150706_104259_asm_comm.html) (last accessed March 5, 2026).

27 <sup>9</sup> *Id.*

28 <sup>10</sup> Senate Committee on Transportation and Housing (April 7, 2015)

[https://www.leginfo.ca.gov/pub/15-16/bill/sen/sb\\_0001-0050/sb\\_34\\_cfa\\_20150402\\_153639\\_sen\\_comm.html](https://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0001-0050/sb_34_cfa_20150402_153639_sen_comm.html) (last accessed March 5, 2026).

movement.”<sup>11</sup>

## B. CALIFORNIA’S ALPR LAW

42. To address these privacy concerns, the California Legislature imposed specific requirements on entities operating or using ALPR systems. As the Legislature stated, the purpose of the ALPR Law is to ensure “minimal privacy protections by requiring the establishment of privacy and usage protection policies for ALPR operators and end-users. This bill does not prevent the authorized sharing of data, but if data is shared, it must be justified and recorded.”<sup>12</sup>

43. The ALPR Law defines an “ALPR system” as “a searchable computerized database resulting from the operation of one or more mobile or fixed cameras combined with computer algorithms to read and convert images of registration plates and the characters they contain into computer-readable data.” Cal. Civ. Code § 1798.90.5(a).

44. The ALPR Law requires ALPR end-users, defined as “a person that accesses or uses an ALPR system,” to draft and adopt written policies governing the collection, use, and sharing of ALPR information. *See* Cal. Civ. Code §§ 1798.90.51(b), 1798.90.53(b).

45. Importantly, the ALPR Law demands ALPR end-users must “implement a usage and privacy policy to ensure that the collection, use, maintenance, sharing, and dissemination of ALPR information is consistent with respect for individuals’ privacy and civil liberties.” Cal. Civ. Code §§ 1798.90.51(b), 1798.90.53(b). To not violate an individual’s right to know, the statute commands that ALPR end-users’ privacy policies include the following:

(A) The authorized purposes for accessing and using ALPR information;

(B) A description of the job title or other designation of the employees and independent contractors who are authorized to access and use ALPR information, including identifying the training requirements necessary for those authorized employees and independent

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

1 contractors;

2 (C) A description of how the ALPR system will be monitored to ensure the security of the  
3 information accessed or used, and compliance with all applicable privacy laws and a  
4 process for periodic system audits;

5 (D) The purposes of, process for, and restrictions on, the sale, sharing, or transfer of ALPR  
6 information to other persons;

7 (E) The title of the official custodian, or owner, of the ALPR information responsible for  
8 implementing this section;

9 (F) A description of the reasonable measures that will be used to ensure the accuracy of  
10 ALPR information and correct data errors; and

11 (G) The length of time ALPR information will be retained, and the process the ALPR end-  
12 user will utilize to determine if and when to destroy retained ALPR information.<sup>13</sup>

13 46. End-users of ALPR technology are required not only to create and adhere to these privacy  
14 policies, but also to make these policies publicly available on their websites, conspicuously specifying  
15 the authorized purposes for which ALPR information may be accessed or used. *Id.*

16 47. Thus, requiring ALPR end-users to establish and publicly post a policy governing use  
17 and maintenance of this data is a primary focus of the ALPR Law. Through these provisions, the  
18 Legislature sought to mitigate the privacy risks created by ALPR systems by ensuring transparency,  
19 limiting unauthorized access and use, and regulating the collection and aggregation of vehicle location  
20 data.

21 48. These requirements ensure both that ALPR end-users consider and make deliberate  
22 decisions on these issues, and that individuals can know when and how their ALPR Vehicle Tracking  
23 Data is being collected and used.

24 49. Most importantly, the ALPR Law “grants individuals *the right to know* which entities are  
25 collecting their ALPR data and how it is being used and maintained. Collecting and maintaining  
26

27  
28  

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<sup>13</sup> CA. Civ. Code § 1798.90.53.

1 individuals' ALPR information without implementing and making public the statutorily required policy  
2 harms these individuals by violating this right to know.”<sup>14</sup>

### 3 **C. FLOCK SURVEILS AMERICAN COMMUNITIES ON A MASSIVE SCALE**

#### 4 **i. Flock's Automatic License Plate Readers.**

5 50. Flock is one of the largest ALPR purveyors in the country, marketing its products to a  
6 diverse range of public and private entity clients, including retail stores, hospitals, places of worship,  
7 residential HOAs, law enforcement agencies, and many more.<sup>15</sup> On its website, Flock represents that its  
8 products are used by over 5,000 law enforcement agencies, over 6,000 communities, and over 1,000  
9 businesses.<sup>16</sup>

10  
11 51. Flock ALPRs are computer-controlled cameras that automatically capture, identify, and  
12 record all vehicles that come into their view.<sup>17</sup> Because Flock ALPRs are solar-powered and able to  
13 connect to Flock's computer network through cellular data, they can be mounted almost anywhere,  
14 including on building exteriors, signposts, light poles, or even moving vehicles. As Flock advertises,  
15 customers can “Deploy [its ALPRs] Anywhere.”<sup>18</sup>

16  
17 52. The primary tool used by Flock ALPRs to identify a given vehicle is Flock's license plate  
18 detection software. When a license plate enters the ALPR's field of view, the ALPR automatically  
19 captures a photograph of the license plate and transfers it to the Flock Safety Network, where character  
20 recognition software automatically converts the image into a license plate number.<sup>19</sup>

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24 <sup>14</sup> *Bartholomew v. Parking Concepts, Inc.*, 118 Cal. App. 5th 438, 449 (2026).

25 <sup>15</sup> *Flock Safety*, FLOCK, <https://www.flocksafety.com/> (last accessed Aug, 20, 2025) (listing “Industries”  
26 that use Flock's products).

27 <sup>16</sup> *License Plate Readers*, FLOCK, <https://www.flocksafety.com/products/license-plate-readers> (last  
28 accessed Aug. 20, 2025).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

1 53. Flock also employs additional vehicle identification methods beyond license plate  
2 detection. For example, through its *Vehicle Fingerprint* software, Flock ALPRs are also able to register  
3 a range of vehicle characteristics such as make, model, color, and even unique features like bumper  
4 stickers to further ensure accurate identification of a given vehicle.<sup>20</sup>

5  
6 54. Flock claims that its ALPRs can accurately capture vehicles traveling at up to 100 miles  
7 per hour, at distances of up to 75 feet, regardless of lighting.<sup>21</sup> Consequently, through a combination of  
8 precise imaging and powerful, multivariable vehicle identification software, Flock ALPRs are able to  
9 identify almost every vehicle that they see.

10 **ii. Flock’s Mass Surveillance Apparatus.**

11 55. Private entities like Defendant can lease Flock’s ALPRs to track vehicles traveling  
12 through or near their premises. After being installed, the Flock ALPRs automatically detect, identify,  
13 and create a record of every vehicle that enters their field of view.<sup>22</sup> These records include not only a  
14 picture of the vehicle but also a wide range of automatically generated identification information, defined  
15 herein as Vehicle Tracking Data, including the vehicle’s license plate number, make, model, body, state  
16 of registration, the date and time it was recorded, the location of the ALPR, and a list of other records of  
17 the same vehicle, as depicted in *Figure 1* below.<sup>23</sup>

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24 <sup>20</sup> *Id.*; *Flock Safety: Eroding Your Privacy & Keeping You Safe with Surveillance*, REDACT (May 15,  
25 2025), <https://redact.dev/blog/flock-safety-lpr-privacy-surveillance/> (last accessed Aug. 20, 2025).

26 <sup>21</sup> Andy East, *Columbus Police Department Got Your Number*, COLUMBUS REPUBLIC (Jan. 23, 2022), at  
A1.

27 <sup>22</sup> *Id.*

28 <sup>23</sup> Reproduced from: Sarah Holder and Fola Akinnibi, *Suburbs of Surveillance*, BLOOMBERG (Aug. 4,  
2021), <https://www.bloomberg.com/news/features/2021-08-04/surveillance-startup-brings-police-tech-to-neighborhoods> (last accessed Aug. 20, 2025).

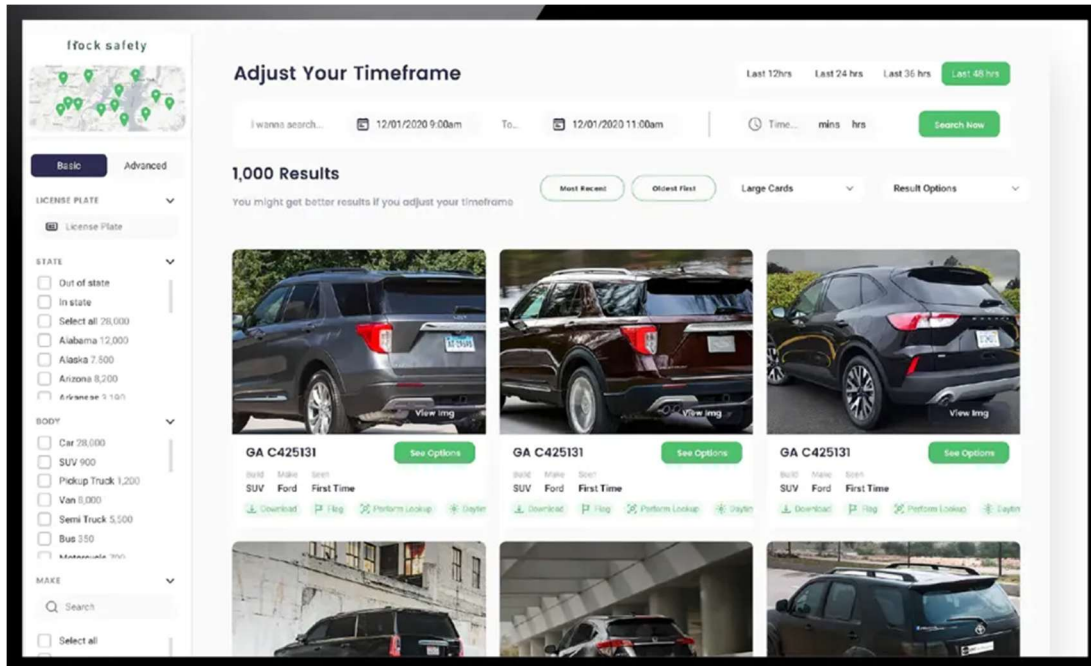


Figure 1. The Flock software dashboard.

56. Once recorded by the Flock ALPRs, these vehicle records, including the Vehicle Tracking Data, are then added to the Flock Safety Network, which combines records from other Flock ALPRs' continuous recordings, including the vehicles captured by at least 80,000 ALPRs nationwide. Ultimately, this system of compiling license plate and vehicle information data allows Flock to create a continuous record of a vehicle's movement through areas where Flock ALPRs are present.

57. Flock's customers can access this vast surveillance database. Indeed, Flock admits that all of the information collected by its ALPRs is accessible through the Flock Safety Network, stating, *e.g.*, in its marketing to law enforcement that:

If you know the specific license plate in question, use FlockOS to get a detailed report of the suspect vehicle's history over a given timeframe. Use FlockOS's local and national search network to find the suspect vehicle across state lines, including up to 1 billion monthly plate reads. All this is included, for FREE, for any Flock Safety customer.<sup>24</sup>

<sup>24</sup> See *Fast-Growing Company Flock is Building a New AI-Driven Mass-Surveillance System*, ACLU (Mar. 1, 2022), available online at: <https://www.aclu.org/publications/fast-growing-company-flock-building-new-ai-driven-mass-surveillance-system> (last accessed Aug. 20, 2025).

1           58.       Moreover, through its *Convoy Analysis* feature, Flock also allows users to identify  
2 vehicles that are often seen together. As a result, Flock not only tracks where individuals go, but also  
3 who they meet.<sup>25</sup>

4           59.       While Flock customers can opt-out of sharing ALPR information with Flock, individuals  
5 do not have that option, and Flock heavily encourages its customers to provide their records, including  
6 by conditioning access to other features on granting access to ALPR data. Indeed, customers like  
7 Defendant who, upon information and belief, share ALPR information with Flock, are able to benefit  
8 from its mass surveillance apparatus. For example, through Flock’s *Hot List* feature, Flock customers  
9 that share their ALPR information can get alerts when a vehicle on the Federal Bureau of Investigation’s  
10 National Crime Information Center (NCIC) list is detected in their area, even if it is detected by another  
11 Flock customer’s ALPR.<sup>26</sup>

12  
13  
14           60.       Thus, Flock customers, like Defendant, make a conscious, self-interested choice to  
15 participate in Flock’s mass surveillance apparatus in exchange for benefiting from information collected  
16 by other members of that apparatus. Accordingly, by posting Flock ALPRs on its property and sharing  
17 the information captured by those ALPRs with Flock, Defendant chose to provide a record of *each and*  
18 *every* driver that traveled within the vicinity of the ALPRs for use in a mass surveillance enterprise. In  
19 exchange, Defendant benefits through receiving the inherently valuable Vehicle Tracking Data collected  
20 by ALPRs on other Flock customers’ properties.  
21  
22  
23  
24

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25 <sup>25</sup> Ben Miller, *Flock Safety Gives Users Expanded Vehicle Location Abilities*, GOVTECH (Sep. 1, 2021),  
26 <https://www.govtech.com/biz/flock-safety-gives-users-expanded-vehicle-location-abilities> (last  
accessed Aug. 20, 2025).

27 <sup>26</sup> Chad Marlow and Jay Stanley, *How to Pump the Brakes on Your Police Department’s Use of Flock’s*  
28 *Mass Surveillance License Plate Readers*, ACLU (Feb. 13, 2023), [https://www.aclu.org/news/privacy-technology/how-to-pump-the-brakes-on-your-police-departments-use-of-flocks-mass-surveillance-  
license-plate-readers](https://www.aclu.org/news/privacy-technology/how-to-pump-the-brakes-on-your-police-departments-use-of-flocks-mass-surveillance-license-plate-readers) (last accessed Aug. 20, 2025).





*Figures 3 & 4. Flock ALPRs.*

63. Flock does not provide a public directory of its ALPR locations to aid individuals who may want to avoid its mass surveillance. To the contrary, Flock actively tries to hinder the general public from learning of its widespread tracking through the use of cease-and-desist letters to people who try to catalog the locations of their ALPRs.

64. Additionally, in certain areas it is extremely difficult, if not impossible, to entirely avoid having one's Vehicle Tracking Data captured by a Flock ALPR, even when just driving on public roads and never interacting with a Flock customer. Indeed, Flock's vast network of ALPRs monitor not just a customer's private property, but also the public roads adjacent to those properties. This means that even if you do not interact with a specific Flock customer, or even enter that customer's property, in some areas private citizens are unable to avoid having their movements tracked and loaded into the Flock Safety Network. This means that, in some places, it is not even theoretically possible for someone to "opt out" of tracking.

65. As would be expected, this massive, surreptitious surveillance of private citizens has led to repeated abuse, *e.g.*:

- 1 a. A police chief and an officer (in different departments) in Kansas used Flock to stalk their  
2 ex-romantic partners;<sup>29</sup>
- 3 b. A Texas sheriff searched 6,809 different Flock camera networks to identify a woman who  
4 had an abortion, including unlawfully accessing video records from states in which  
5 abortion is protected;<sup>30</sup>
- 6 c. A U.S. Customs and Border Protection’s vendor was hacked and license plate images of  
7 thousands of travelers at border crossings became available on the dark web;<sup>31</sup>and
- 8 d. The U.S. Cybersecurity and Infrastructure Security Agency issued an alert after  
9 discovering a “low attack complexity” vulnerability in ALPRs sold by Motorola Solutions,  
10 one of the biggest players in the industry.<sup>32</sup>

11 66. Yet, despite vigorous criticism from a multitude of reputable organizations,<sup>33</sup> Flock’s  
12 surveillance apparatus is only growing more invasive.

13 67. No longer satisfied with meticulously tracking vehicles, Flock has turned its attention  
14 toward granular surveillance of individuals with its new *Flock Freeform* tool. As shown in the below  
15 screenshot (“Figure 5”),<sup>34</sup> *Flock Freeform* allows users to describe a target individual in natural language

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17 <sup>29</sup> See Michel Stavola, *Kansas police chief used Flock license plate cameras 164 times to track ex-*  
18 *girlfriend*, THE WICHITA EAGLE (Aug. 17, 2024), available online at: [www.kansas.com/news/politics-](http://www.kansas.com/news/politics-government/article291059560.html)  
19 [government/article291059560.html](http://www.kansas.com/news/politics-government/article291059560.html) (last accessed Aug. 20, 2025).

20 <sup>30</sup> See Rindala Alajaji, *She Got an Abortion. So A Texas Cop Used 83,000 Cameras to Track Her Down*,  
21 ELECTRONIC FRONTIER FOUNDATION (MAY 30, 2025), [https://www.eff.org/deeplinks/2025/05/she-got-](https://www.eff.org/deeplinks/2025/05/she-got-abortion-so-texas-cop-used-83000-cameras-track-her-down)  
22 [abortion-so-texas-cop-used-83000-cameras-track-her-down](https://www.eff.org/deeplinks/2025/05/she-got-abortion-so-texas-cop-used-83000-cameras-track-her-down) (last accessed Aug. 20, 2025).

23 <sup>31</sup> See Drew Harwell and Geoffrey A. Fowler, *U.S. Customs and Border Protection says photos of travelers*  
24 *were taken in a data breach*, THE WASHINGTON POST (June 10, 2019)  
25 [www.washingtonpost.com/technology/2019/06/10/us-customs-border-protection-says-photos-travelers-](http://www.washingtonpost.com/technology/2019/06/10/us-customs-border-protection-says-photos-travelers-into-out-country-were-recently-taken-data-breach/)  
26 [into-out-country-were-recently-taken-data-breach/](http://www.washingtonpost.com/technology/2019/06/10/us-customs-border-protection-says-photos-travelers-into-out-country-were-recently-taken-data-breach/) (last accessed Aug. 20, 2025).

27 <sup>32</sup> See *Motorola Solutions Vigilant License Plate Readers*, CISA (June 13, 2024), available online at:  
28 <https://www.cisa.gov/news-events/ics-advisories/icsa-24-165-19> (last accessed Aug. 20, 2025).

29 <sup>33</sup> See, e.g., Sarah Hamid and Rindala Alajaji, *Flock Safety’s Feature Updates Cannot Make Automated*  
30 *License Plate Readers Safe*, ELECTRONIC FRONTIER FOUNDATION (June 27, 2025),  
31 [https://www.eff.org/deeplinks/2025/06/flock-safety-s-feature-updates-cannot-make-automated-license-](https://www.eff.org/deeplinks/2025/06/flock-safety-s-feature-updates-cannot-make-automated-license-plate-readers-safe)  
32 [plate-readers-safe](https://www.eff.org/deeplinks/2025/06/flock-safety-s-feature-updates-cannot-make-automated-license-plate-readers-safe) (last accessed Aug. 20, 2025); Jay Stanley, *Fast-Growing Company Flock is Building*  
33 *a New AI-Driven Mass-Surveillance System*, ACLU (March 3, 2022), available online at:  
34 [https://www.aclu.org/wp-content/uploads/publications/flock\\_1.pdf](https://www.aclu.org/wp-content/uploads/publications/flock_1.pdf) (last accessed Aug. 20, 2025).

35 <sup>34</sup> Reproduced from: *Flock Freeform*, FLOCK, <https://www.flocksafety.com/products/flock-freeform>  
36 (last accessed Aug. 20, 2025).

and review corresponding results from across Flock’s ALPR network of at least 80,000 cameras.

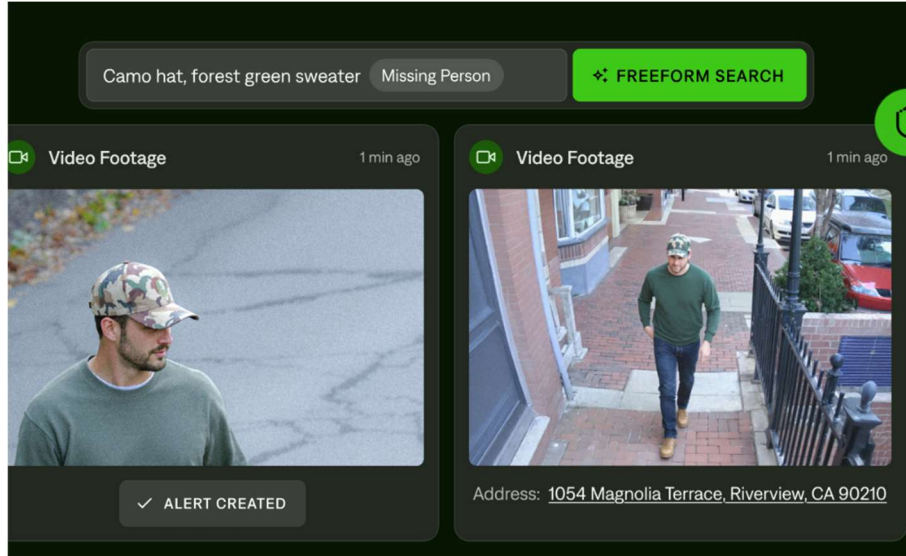


Figure 5. Demonstration of Flock Freeform tool from Flock website.

68. Thus, if companies like Defendant continue choosing to sacrifice their communities’ privacy to gain access to the Flock Safety Network, more and more Americans will find themselves unable to escape perpetual surveillance by private, for-profit companies and those companies’ customers.

**D. DEFENDANT TRACKED PLAINTIFFS AND CLASS MEMBERS THROUGH USE OF FLOCK’S ALPR TECHNOLOGY WITHOUT THEIR KNOWLEDGE OR CONSENT**

69. Defendant installed Flock’s ALPRs on its property at The Shops at Palm Desert shopping center. As a result, Plaintiffs and Class Members were tracked by the ALPRs, which transmitted their Vehicle Tracking Data, including pictures of their vehicles, their likeness, other automatically generated information relating to their vehicles, the identities of their associates, and their location to Flock, where it was then catalogued in Flock’s voluminous vehicle tracking records across its Flock Safety Network.

70. Defendant failed to publicly provide the statutorily required notice to Plaintiffs and Class Members, via its website, that when they visited its shopping center, or even just drove near its shopping center, Defendant would record their Vehicle Tracking Data, including location, images, and individualized vehicle information, and transmit that data to Flock for consolidation with any other Vehicle

1 Tracking Data records pertaining to Plaintiffs and Class Members gathered from at least 80,000 other Flock  
2 ALPRs installed across the United States.

3 71. Defendant's unauthorized and illegal recording of Plaintiffs' and Class Members' Vehicle  
4 Tracking Data, without public notice, includes not only a snapshot of their vehicles, but also a wide range  
5 of automatically generated identification information, including the vehicle's license plate number, make,  
6 model, body, state of registration, the date and time it was recorded, and a list of other records of the same  
7 vehicle.  
8

9 72. Plaintiffs and Class Members' movements and information were illegally recorded by  
10 Defendant, combined with other information gathered across other Flock ALPRs, and then stored in the  
11 Flock Safety Network where each record pertaining to a given individual or vehicle could be related to all  
12 others, thus creating a continuous record of Plaintiffs and Class Members' movement through areas where  
13 Flock ALPRs are present.  
14

15 73. As such, each time Plaintiffs and Class Members visited Defendant's establishments since  
16 Defendant's installation of Flock ALPRs, Plaintiffs and Class Members were unaware that their Vehicle  
17 Tracking Data, including their location, movements, and vehicle information, were being tracked,  
18 recorded, and shared by Defendant with unauthorized parties.  
19

20 74. Plaintiffs and Class Members never authorized Defendant to collect or disclose any  
21 information about them, including ALPR-collected information subject to the California ALPR Law.  
22

23 **E. DEFENDANT WAS ENRICHED BY ITS CONTRIBUTION TO THE MASS  
24 SURVEILLANCE OF PLAINTIFFS AND CLASS MEMBERS**

25 75. As explained, *supra*, users of Flock ALPRs receive access to inherently valuable Vehicle  
26 Tracking Data from other Flock customers' ALPRs in exchange for sharing their own information to the  
27 Flock Safety Network.  
28

76. Upon information and belief, Defendant made a conscious, self-interested choice to

1 participate in Flock’s mass surveillance apparatus in exchange for benefiting from information collected  
2 by other members of that apparatus.

3 77. Accordingly, by installing Flock ALPRs on its property and sharing the information  
4 captured by those ALPRs with Flock, Defendant chose to provide a record of *each and every* driver that  
5 traveled within the vicinity of the ALPRs for use in Flock’s mass surveillance enterprise in exchange for  
6 valuable data collected by ALPRs on other Flock customers’ properties.  
7

8 78. In other words, Defendant was enriched in the form of being granted access to the Flock  
9 Safety Network database in exchange for allowing Flock to access the records created by the ALPRs  
10 installed on its own property.  
11

12 **F. PLAINTIFFS’ AND CLASS MEMBERS’ REASONABLE EXPECTATION OF**  
13 **PRIVACY**

14 79. At all times, Plaintiffs and Class Members had a reasonable expectation Defendant would  
15 not track and record their location and movement for use in a massive surveillance apparatus like the one  
16 created by Flock and perpetuated by Defendant’s participation.

17 80. Privacy polls consistently show that Americans overwhelmingly consider their location  
18 information to be among the most sensitive facets of their life.  
19

20 81. For example, one poll found that 78-percent of Americans believe that Congress should  
21 “strengthen privacy protections for people in the U.S. against warrantless government surveillance of  
22 their...location information” (as opposed to 9-percent against).<sup>35</sup> Likewise, in another survey, 88-percent  
23 of Americans stated that “not having someone watch you or listen to you without your permission” was  
24

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25  
26  
27 <sup>35</sup> *YouGov Mass Surveillance Debate Polling*, DEMAND PROGRESS EDUCATION FUND (Dec. 14, 2023),  
28 <https://demandprogresseducationfund.org/new-polling-as-mass-surveillance-debate-reaches-final-stages-in-congress-americans-demonstrate-overwhelming-support-for-increased-privacy-protections/>  
(last accessed Aug. 20, 2025).

1 important to them, with 72-percent rating it as “very important.”<sup>36</sup>

2 82. Personal privacy and informed consent are material to Plaintiffs and Class Members, as  
3 also demonstrated by the California Legislature’s requirement in the ALPR Law that any end-user of an  
4 ALPR camera or system provide public notice of the same.

5 **G. DEFENDANT VIOLATED CONSUMER PRIVACY UNDER CALIFORNIA LAW AND**  
6 **FAILED TO ADHERE TO CALIFORNIA’S ALPR LAW**

7 83. The ALPR Law, codified at Cal. Civ. Code § 1798.90.53(a), required Defendant to, among  
8 other things, “[m]aintain reasonable security procedures and practices, including operational,  
9 administrative, technical, and physical safeguards, to protect ALPR information from unauthorized access,  
10 destruction, use, modification, or disclosure.” *Id.*

11  
12 84. These reasonable security procedures and practices required Defendant to implement an  
13 ALPR usage and privacy policy, “in order to ensure that the access, use, sharing, and dissemination of  
14 ALPR information is consistent with respect for individuals’ privacy and civil liberties.” Cal. Civ. Code §  
15 1798.90.53(b).  
16

17 85. Moreover, as specifically set forth, *supra*, Cal. Civ. Code § 1798.90.53’s ALPR usage  
18 requirements command that ALPR end-users, such as Defendant, “at minimum,” must implement and  
19 publicly post a privacy policy with regards to its ALPR use that informs the public with regard to  
20 Defendant’s purposes for accessing and using ALPR information, list the job title and training for  
21 individuals who will have access to the ALPR information, inform individuals how long their ALPR  
22 information will be retained, and also describe how the ALPR system will be monitored for compliance  
23 with all applicable privacy laws, among other things. *See* Cal. Civ. Code § 1798.90.53(b)(2)(A)-(G).  
24  
25  
26

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27 <sup>36</sup> Mary Madden and Lee Rainie, Americans’ Attitudes About Privacy, Security and Surveillance, PEW  
28 RESEARCH CENTER (May 20, 2015), <https://www.pewresearch.org/internet/2015/05/20/americans-attitudes-about-privacy-security-and-surveillance/> (last accessed Aug. 20, 2025).



1 notice of usage and privacy practices with regard to the ALPRs present on its property that would have  
2 informed Plaintiffs and Class Members that they were being tracked by Flock's surveillance network.  
3 By failing to adhere to the duty of disclosure required by the ALPR Law, Defendant concealed its  
4 surveillance and Plaintiffs had no way to know that Defendant was aggregating information about them  
5 with information from tens of thousands of other cameras.

6  
7 92. Therefore, through no fault or lack of diligence, Plaintiffs and Class Members were  
8 deceived and could not reasonably discover Defendant's unlawful conduct. As such, Plaintiffs could not  
9 have known the information essential to pursue their claims.

10 93. For these reasons, all applicable statutes of limitation have been tolled pursuant to the  
11 discovery rule.

12  
13 94. The earliest that Plaintiffs or Class Members, acting with due diligence, could have  
14 reasonably discovered Defendant's misconduct would have been shortly before the filing of this  
15 Complaint.

16 **CLASS ACTION ALLEGATIONS**

17  
18 95. This action is brought pursuant to California Code of Civil Procedure § 382 by the named  
19 Plaintiffs on their own behalf, and on behalf of a proposed Class of all other persons similarly situated.

20 96. Specifically, Plaintiffs propose the following Class, subject to amendment as appropriate:

21 All citizens of the State of California who, as a result of Defendant's use of Flock ALPRs,  
22 had their Vehicle Tracking Data accessed and/or acquired while visiting Defendant's The  
23 Shops at Palm Desert shopping center located in California and/or while driving within a  
75-foot radius of those locations.

24 97. Excluded from the Class are Defendant and its parents or subsidiaries, any entities in  
25 which it has a controlling interest, as well as its officers, directors, affiliates, legal representatives, heirs,  
26 predecessors, successors, and assigns. Also excluded is any Judge to whom this case is assigned as well  
27 as their judicial staff and immediate family members, as well as any claims for personal injury, wrongful  
28

1 death, or other property damage sustained by the Class.

2 98. Plaintiffs reserve the right to amend the definitions of the Class or add subclasses if  
3 further information and discovery indicate that the definitions of the Class should be narrowed,  
4 expanded, or otherwise modified.

5 99. **Numerosity.** The Class is so numerous that the individual joinder of all members is  
6 impracticable. Upon information and belief, there are at least 1,000 individuals that have been impacted  
7 by Defendant's violations. Moreover, the exact number of those impacted is generally ascertainable from  
8 information that is in the exclusive control of Defendant.  
9

10 100. **Commonality.** Common questions of law or fact arising from Defendant's conduct exist  
11 as to all members of the Class, which predominate over any questions affecting only individual Class  
12 Members. These common questions include, but are not limited to, the following:  
13

- 14 a) Whether and to what extent Defendant had a duty to maintain the confidentiality of  
15 Plaintiffs' and Class Members' Vehicle Tracking Data, including their location,  
16 license plate, and vehicle information;  
17  
18 b) Whether Defendant had duties not to disclose Plaintiffs' and Class Members' Vehicle  
19 Tracking Data, including their location, license plate, and vehicle information, to  
20 unauthorized third parties;  
21  
22 c) Whether Defendant adequately, promptly, and accurately informed Plaintiffs and  
23 Class Members that their Vehicle Tracking Data, including their location, license  
24 plate, and vehicle information, would be disclosed to third parties;  
25  
26 d) Whether Defendant violated the law by failing to promptly notify Plaintiffs and Class  
27 Members that their Vehicle Tracking Data, including their location, license plate, and  
28 vehicle information, was being disclosed without their consent;

- 1 e) Whether Defendant engaged in unfair, unlawful, or deceptive practices by failing to  
2 keep the Plaintiffs' and Class Members' Vehicle Tracking Data, including their  
3 location, license plate, and vehicle information, free from unauthorized disclosure;  
4 f) Whether Defendant violated the California ALPR Law as asserted in this Complaint;  
5 g) Whether Plaintiffs and Class Members are entitled to actual, statutory, punitive,  
6 consequential, and/or nominal damages as a result of Defendant's wrongful conduct;  
7 h) Whether Defendant knowingly made false representations as to its data security  
8 and/or privacy practices; and  
9 i) Whether Defendant knowingly omitted material representations with respect to its  
10 data security and/or privacy practices.  
11

12  
13 101. **Typicality.** Plaintiffs' claims are typical of those of other Class Members because  
14 Plaintiffs were harmed, like every other Class Member, by Defendant's use of the Flock ALPRs.

15 102. **Adequacy.** Plaintiffs will fairly and adequately represent and protect the interests of the  
16 members of the Class in that the infringement of the rights and the damages Plaintiffs have suffered are  
17 typical of other Class Members. Plaintiffs have no disabling conflicts of interest that would be  
18 antagonistic to those of the other members of the Class. Plaintiffs seek no relief that is antagonistic or  
19 adverse to the members of the Class. Plaintiffs have also retained counsel experienced in complex class  
20 action litigation, and Plaintiffs intend to prosecute this action vigorously.  
21

22 103. **Predominance.** Defendant has engaged in a common course of conduct toward Plaintiffs  
23 and Class Members in that Plaintiffs and all Class Members were unlawfully tracked by the Flock  
24 ALPRs installed on Defendant's property. The common issues arising from Defendant's conduct  
25 affecting Class Members set out above predominate over any individualized issues. Adjudication of  
26 these common issues in a single action has important and desirable advantages of judicial economy.  
27  
28

1           104.    **Superiority.** A class action is superior to other available methods for the fair and efficient  
2 adjudication of the controversy. Class treatment of common questions of law and fact is superior to  
3 multiple individual actions or piecemeal litigation. Absent a class action, most Class Members would  
4 likely find that the cost of litigating their individual claim is prohibitively high and would, therefore,  
5 have no effective remedy. The prosecution of separate actions by individual Class Members would create  
6 a risk of inconsistent or varying adjudications with respect to individual Class Members, which would  
7 establish incompatible standards of conduct for Defendant. In contrast, the conduct of this action as a  
8 class action presents far fewer management difficulties, conserves judicial resources and the parties'  
9 resources, and protects the rights of each Class Member.  
10

11           105.    Defendant acted on grounds that apply generally to the Class as a whole so that class  
12 certification, injunctive relief, and corresponding declaratory relief are appropriate on a class-wide basis.  
13

14           106.    Likewise, particular issues under Cal. Code Civ. Proc. § 382 are appropriate for  
15 certification because such claims present only particular, common issues, the resolution of which would  
16 advance the disposition of this matter and the parties' interests therein. Such particular issues include,  
17 but are not limited to:  
18

- 19           a) Whether Defendant adequately and accurately informed Plaintiffs and Class  
20 Members that their Vehicle Tracking Data, including their location, license plate, and  
21 vehicle information, would be disclosed to third parties, including as required under  
22 the California ALPR Law;  
23
- 24           b) Whether Defendant owed a legal duty to Plaintiffs and the Class to exercise due care  
25 in collecting, storing, and safeguarding Vehicle Tracking Data, including their  
26 location, license plate, and vehicle information, and not disclosing it to unauthorized  
27 third parties;  
28

- 1 c) Whether Defendant breached a legal duty to Plaintiffs and Class Members to exercise  
2 due care in collecting, storing, using, and safeguarding their Vehicle Tracking Data,  
3 including their location, license plate, and vehicle information; and  
4  
5 d) Whether Plaintiffs and Class Members are entitled to actual, statutory, punitive,  
6 consequential, and/or nominal damages as a result of Defendant's wrongful conduct.

7 107. Finally, all members of the proposed Class are readily ascertainable. Defendant has  
8 access to Class Members' private information for individuals affected by the unauthorized disclosures  
9 that have taken place.

10 **CAUSES OF ACTION**

11 **COUNT I**

12 **VIOLATIONS OF CALIFORNIA'S ALPR LAW**

13 **Cal. Civ. Code § 1798.90.5, *et seq.***

14 **(On Behalf of Plaintiffs and the Class)**

15 108. Plaintiffs repeat and reallege the allegations contained in paragraphs 1-12, 13-32, 36-41,  
16 42-49, 50-68, 69-74, 75-78, 79-82, 83-88, 89-94, and 95-107 as if fully set forth herein.

17 109. The California ALPR Law, Cal. Civ. Code § 1798.90.5, *et seq.*, regulates the private use  
18 of ALPR devices by an "ALPR end-user," defined as "a person that accesses or uses an ALPR system."<sup>37</sup>  
19

20 110. Because Defendant installed, accessed, and used Flock ALPRs on its property, Defendant  
21 was required to abide by California's ALPR Law as an ALPR end-user.

22 111. Under the ALPR Law, an ALPR end-user must:

23 Implement a usage and privacy policy in order to ensure that the access, use, sharing, and  
24 dissemination of ALPR information is consistent with respect for individuals' privacy and  
25 civil liberties. The usage and privacy policy shall be available to the public in writing, and,  
26 if the ALPR end-user has an Internet Web site, the usage and privacy policy shall be posted  
27

28  

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<sup>37</sup> Cal. Civ. Code § 1798.90.5(a), (c).

1 conspicuously on that Internet Web site.<sup>38</sup>

2 112. Defendant violated the ALPR Law. First, Defendant did not implement a usage and  
3 privacy policy regarding its use of ALPR information or make it publicly available, including on its  
4 website, let alone a policy that satisfied the requirements of the ALPR Law.<sup>39</sup>

5 113. This failure of Defendant to draft a privacy policy relating to the ALPR data, post the  
6 privacy policy on its website, and adhere to the privacy policy for the benefit of Plaintiffs and Class  
7 Members, is inconsistent with Plaintiffs' and Class Members' individual privacy and civil liberties in  
8 that it deprived them of their statutory right to know.

9 114. The ALPR Law has been in effect for over ten years and was passed long before  
10 Defendant implemented its use of ALPRs. As such, Defendant either knew or should have known about  
11 the Law's privacy policy requirements (either through its own research or from Flock), yet Defendant  
12 failed to implement and publicly post the required policy. Therefore, Defendant acted either willfully or  
13 recklessly in disregard of the ALPR Law.  
14

15 115. As a result of Defendant's violation of the ALPR law, and pursuant to Cal. Civ. Code §  
16 1798.90.54, Plaintiffs and each Class Member are entitled to (i) the greater of their actual damages or  
17 statutory liquidated damages of \$2,500; (ii) punitive damages; (iii) reasonable attorneys' fees and other  
18 litigation costs; and (iv) other preliminary and equitable relief as the Court determines to be  
19 appropriate.<sup>40</sup>  
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27 <sup>38</sup> Cal. Civ. Code § 1798.90.53(b)(1).

28 <sup>39</sup> Cal. Civ. Code § 1798.90.51(b)(2), 53(b)(2) (listing required information to be included in ALPR usage and privacy policy).

<sup>40</sup> Cal. Civ. Code § 1798.90.54(b).

**COUNT II**  
**INVASION OF PRIVACY UNDER CALIFORNIA’S CONSTITUTION**  
**Cal. Const. Art. 1, § 1**  
**(On Behalf of Plaintiffs and the Class)**

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2  
3  
4 116. Plaintiffs repeat and reallege the allegations contained in paragraphs 1-12, 13-32, 36-41,  
5 42-49, 50-68, 69-74, 75-78, 79-82, 83-88, 89-94, and 95-107 as if fully set forth herein.

6 117. Article I, section 1 of the California Constitution provides that “[a]ll people are by nature  
7 free and independent and have inalienable rights. Among these are enjoying and defending life and  
8 liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and  
9 *privacy.*”  
10

11 118. The right to privacy in California’s constitution creates a private right of action against  
12 private and government entities.

13 119. To state a claim for invasion of privacy under the California Constitution, a plaintiff must  
14 establish: (1) a legally protected privacy interest; (2) a reasonable expectation of privacy, and (3) an  
15 intrusion so serious in nature, scope, and actual or potential impact as to constitute an egregious breach  
16 of the social norms.  
17

18 120. Defendant violated Plaintiffs’ and Class Members’ constitutional right to privacy by  
19 recording, collecting, storing, aggregating, and disseminating Plaintiffs’ and Class Members’ Vehicle  
20 Tracking Data.  
21

22 121. Defendant’s unlawful conduct knowingly facilitated the recording, tracking, monitoring,  
23 and aggregation of Plaintiffs’ and Class Members’ vehicle’s movements through areas monitored,  
24 captured, collected, and/or aggregated by ALPRs and related systems.  
25

26 122. Defendant’s use and installation of Flock ALPRs at its locations facilitated the  
27 aggregation and long-term tracking of Plaintiffs’ and Class Members’ individual movements, as  
28 Defendant’s use of Flock’s pervasive network of tens of thousands of ALPRs and aggregation of data

1 across Flock’s network created comprehensive movement profiles of Plaintiffs and Class Members.

2 123. Plaintiffs and Class Members have a legally protected privacy interest in their Vehicle  
3 Tracking Data when that information is aggregated and used to track their movements, for which they  
4 had a reasonable expectation of privacy, which Defendant violated when it surreptitiously recorded and  
5 provided to Flock for upload to the Flock Safety Network knowing that it would be aggregated, analyzed,  
6 tracked, and combined with other records Flock maintains regarding Plaintiffs and the Class Members.  
7

8 124. Accordingly, Defendant’s actions were performed in a manner that was highly offensive  
9 to Plaintiffs and Class Members and were an egregious violation of social norms.

10 125. Defendant has intruded upon Plaintiffs’ and Class Members’ legally protected privacy  
11 interests, including interests in precluding the aggregation, analyzation, tracking, and dissemination or  
12 misuse of their personal movements and private affairs, through Defendant’s monitoring, capturing,  
13 collecting, and aggregating Plaintiffs’ and Class Members’ Vehicle Tracking Data.  
14

15 126. Plaintiffs and Class Members had a reasonable expectation of privacy in their Vehicle  
16 Tracking Data. Plaintiffs and Class Members did not consent to or otherwise authorize Defendant to  
17 capture, collect, monitor, aggregate, or disclose their Vehicle Tracking Data.  
18

19 127. Defendant invaded Plaintiffs’ and Class Members’ privacy by capturing, collecting,  
20 monitoring, aggregating, and disclosing, without prior statutorily required notice and without  
21 authorization, Plaintiffs’ and Class Members’ Vehicle Tracking Data to Flock. Specifically, Defendant’s  
22 use and installation of Flock ALPRs at on its property allowed for the long-term tracking of Plaintiffs’  
23 and Class Members’ individual movements on its property through Defendant’s integration with Flock’s  
24 pervasive Flock Safety Network, which is made up of data tracked and aggregated by tens of thousands  
25 of other Flock ALPRs to create comprehensive movement profiles of individuals, including Plaintiffs  
26 and Class Members.  
27  
28



1 including, but not limited to, the right to travel and associate lawfully with others without being subjected  
2 to surveillance absent Plaintiffs' and Class Members' knowledge or consent.

3 134. Defendant's disclosure of Plaintiffs' and Class Member's Vehicle Tracking Data, without  
4 the knowledge and informed consent of Plaintiffs and Class Members and in violation of the ALPR Law  
5 is an intentional intrusion on Plaintiffs' and Class Members' solitude or seclusion.  
6

7 135. Plaintiffs and Class Members had a reasonable expectation of privacy in their personal  
8 and private affairs and movements, which includes the expectation that their Vehicle Tracking Data  
9 would be protected from surreptitious disclosure to third parties and the aggregation of data which would  
10 allow third parties to track their movements.  
11

12 136. Defendant's repeated acquisition, disclosure, and aggregation of Plaintiffs' and Class  
13 Members' Vehicle Tracking Data, and its inclusion in a large surveillance database that permits near  
14 constant tracking of a person's movements, is highly offensive to the reasonable person.  
15

16 137. As a result of Defendant's actions, Plaintiffs and Class Members have suffered harm and  
17 injury including, but not limited to, an invasion of their privacy rights.  
18

19 138. As a direct and proximate result of Defendant's invasion of their privacy, Plaintiffs and  
20 Class Members have been damaged and have suffered actual and concrete injuries, including the  
21 diminution of value of their private information, the loss of valuable privacy rights and protections,  
22 heightened stress, fear, anxiety, risk of future invasions of privacy and the mental and emotional distress  
23 and harm to human dignity interests.  
24

25 139. Plaintiffs and Class Members are entitled to appropriate relief, including damages to  
26 compensate them for such harms, and hereby seek appropriate relief including, but not limited to,  
27 damages that will reasonably compensate Plaintiffs and Class Members for the aforementioned harms  
28 to their privacy interests, as well as nominal damages and/or disgorgement of profits made by Defendant

1 as a result of its intrusions upon Plaintiffs' and Class Members' privacy.

2 140. Plaintiffs and Class Members are also entitled to punitive damages resulting from the  
3 malicious, willful and intentional nature of Defendant's actions, directed at injuring Plaintiffs and Class  
4 Members in conscious disregard of their rights. Such damages are needed to deter Defendant from  
5 engaging in such conduct in the future.

6  
7 141. Plaintiffs also seek such other relief as the Court may deem just and proper.

8 **COUNT IV**  
9 **UNJUST ENRICHMENT**  
10 **(On Behalf of Plaintiffs and the Class)**

11 142. Plaintiffs repeat and reallege the allegations contained in paragraphs 1-12, 13-32, 36-41,  
12 42-49, 50-68, 69-74, 75-78, 79-82, 83-88, 89-94, and 95-107 as if fully set forth herein.

13 143. Defendant acquired Plaintiffs' and Class Members' inherently valuable Vehicle Tracking  
14 Data, through inequitable means, including through the surreptitious use of Flock ALPR systems, in that  
15 it failed to publicly disclose such use in violation of the ALPR Law, as previously alleged.

16  
17 144. Thus, Plaintiffs and Class Members unknowingly provided their inherently valuable  
18 Vehicle Tracking Data to Defendant, which then enriched itself as users of Flock ALPRs receive access  
19 to inherently valuable information from other Flock customers' ALPRs in exchange for sharing their  
20 own information to the Flock Safety Network.

21  
22 145. Upon information and belief, Defendant made a conscious, self-interested choice to  
23 participate in Flock's mass surveillance apparatus in exchange for benefiting from information collected  
24 by other members of that apparatus.

25 146. By installing Flock ALPRs on its property and sharing the information captured by those  
26 ALPRs with Flock, Defendant chose to provide a record of each and every driver that traveled within  
27 the vicinity of the ALPRs for use in Flock's mass surveillance enterprise in exchange for valuable data  
28

1 collected by ALPRs on other Flock customers' properties.

2 147. Defendant was enriched in the form of being granted access to the Flock Safety Network  
3 database in exchange for allowing Flock to access the records created by the ALPRs installed on its own  
4 property.

5 148. Indeed, Defendant calculated to avoid its privacy obligations at the expense of Plaintiffs  
6 and Class Members who, as a result, suffered as a direct and proximate result of Defendant's misconduct.

7 149. If Plaintiffs and Class Members had known that Defendant was utilizing Flock ALPRs  
8 and sharing the inherently valuable Vehicle Tracking Data with third parties, they would not have  
9 frequented Defendant's shopping center and Defendant would not have been able to acquire their  
10 inherently valuable Vehicle Tracking Data.  
11

12 150. Under the principles of equity and good conscience, Defendant should not be permitted  
13 to retain the benefits it gained at the expense of Plaintiffs and Class Members. As a result of Defendant's  
14 wrongful conduct, as alleged above, Plaintiffs and Class Members are entitled to restitution and  
15 disgorgement of all profits, benefits, and other compensation obtained by Defendant, plus attorneys' fees,  
16 costs, and interest thereon.  
17

18 151. Plaintiffs and Class Members are entitled to appropriate relief, including damages to  
19 compensate them for such harms, and hereby seek appropriate relief including, but not limited to,  
20 damages that will reasonably compensate Plaintiffs and Class Members for the aforementioned harms  
21 to their privacy interests, as well as nominal damages and/or disgorgement of profits made by Defendant  
22 as a result of its intrusions upon Plaintiffs' and Class Members' privacy.  
23

24 152. Plaintiffs and Class Members are also entitled to punitive damages resulting from the  
25 malicious, willful and intentional nature of Defendant's actions, directed at injuring Plaintiffs and Class  
26 Members in conscious disregard of their rights. Such damages are needed to deter Defendant from  
27  
28

1 engaging in such conduct in the future.

2 **PRAYER FOR RELIEF**

3 **WHEREFORE**, Plaintiffs, on behalf of themselves and the Class, pray for judgment against  
4 Defendant as follows:

- 5
- 6 A. An Order certifying the Class, and appointing the Plaintiffs and their Counsel to represent the Class;
- 7 B. Equitable relief enjoining Defendant from engaging in the wrongful conduct complained of herein  
8 pertaining to the misuse and/or disclosure of the location and license plate information of Plaintiffs  
9 and Class Members;
- 10 C. Injunctive relief requested by Plaintiffs, including, but not limited to, injunctive and other equitable  
11 relief as is necessary to protect the interests of Plaintiffs and Class Members;
- 12 D. An award of all damages available at equity or law, including, but not limited to, actual,  
13 consequential, punitive, statutory and nominal damages, as allowed by law in an amount to be  
14 determined;
- 15 E. An award of attorneys' fees, costs, and litigation expenses, as allowed by law;
- 16 F. Pre-judgment interest on all amounts awarded; and
- 17 G. All such other and further relief as this Court may deem just and proper.

18 **DEMAND FOR JURY TRIAL**

19 Plaintiffs, on behalf of themselves and members of the proposed Class, hereby demand a jury  
20 trial on all issues so triable.

21 DATED: March 17, 2026

Respectfully submitted,

22 s/ Catherine E. Ybarra

23 Catherine E. Ybarra (SBN 283360)

24 Tyler J. Bean

25 Albert J. Ascitutto

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*Attorneys for Plaintiffs and the Proposed Class*

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